

### **REMARKS**

The present document is submitted in response to the final Office Action dated March 30, 2011 ("Office Action").

Applicant has renumbered previously presented claims 35-38 as claims 34-37 and changed dependencies of claims 35 and 37 accordingly. Further, Applicant has amended claims 1, 2, 4, 12, 14, and 34-37, support for which can be found throughout the specification, e.g., at page 2, 4<sup>th</sup> paragraph; and page 8, 2<sup>nd</sup> paragraph. No new matter has been introduced.

Upon entry of the above-proposed claim amendments, claims 1-21 and 34-37 are currently pending and under examination. Applicant respectfully requests that the Examiner reconsider this application in view of the following remarks.

#### **Claim Objection**

The Examiner objects to previously presented claims 35-38 for not being numbered consecutively following the highest numbered claim previously presented. Office Action, page 2, 2<sup>nd</sup> paragraph. Following the Examiner's request, Applicant has renumbered these claims as claims 34-37, thereby obviating the objection.

#### **Rejection under 35 U.S.C. §103**

The Examiner has rejected claims 1-21 and 34-37 under 35 U.S.C. §103(a) as being unpatentable over Aebischer et al., US Patent 5,092,871 ("Aebischer"), in view of Cheng et al., US Patent No. 6,235,041 ("Cheng"). Office Action, pages 2-4.

For the sole purpose of accelerating prosecution, Applicant has amended independent claims 1 and 12. At least for the reasons set forth below, claims 1 and 12 as amended are not obvious over Aebischer in view of Cheng.

Amended claim 1 is directed to a method of repairing a nerve root avulsion between a peripheral nerve and the central nervous system in a living vertebrate, comprising connecting an avulsed end in the peripheral nerve to a portion of the central nervous system through a pia incision.

and applying a fibrin glue mixture to the avulsed end in the peripheral nerve and the portion of the central nervous system.

Amended claim 12 is directed to a method of connecting an avulsed end of an intercostal nerve to a cervical root of a spinal cord in a living vertebrate. Like amended claim 1, amended claim 12 also requires bringing the avulsed end of the intercostal nerve close to the cervical root through a pia incision, and applying a fibrin glue mixture to the avulsed end of the intercostal nerve and the cervical root.

Aebischer reports a method for repairing a severed nerve with a medical device, which includes a guidance channel having openings adapted to receive the ends of the severed nerve. Abstract. To practice this method, the cut ends of a nerve are drawn into the guidance channel, placed in proximity, and secured in position by sutures through the channel. Column 5, lines 25-33; and Fig. 1.

Cheng discloses a method for repairing gaps in the central nervous system (CNS) using a medical device. Abstract. The device contains holes for inserting nerve grafts that bridge a CNS gap, such as a spinal cord gap, and redirecting specific pathways from the white matter to the grey matter. Column 7, lines 24-26 and lines 55-57.

The nerve gap repairing methods reported in both Aebischer and Cheng require medical devices in which the ends of a nerve gap are brought into proximity. Neither reference teaches or suggests bringing the gap ends into proximity through a pia incision as required by the methods of amended claims 1 and 12. Thus, the combination of Aebischer and Cheng would not have arrived at the claimed methods and, therefore, would not have rendered obvious amended claims 1 and 12. Their combination also would not have rendered obvious claims 2-11, 13-21, and 34-37, all of which depend from claim 1 or claim 12.

In view of the above remarks, Applicant respectfully requests that the Examiner withdraw this obviousness rejection.

**CONCLUSION**

For the foregoing reasons, Applicant believes that the instant application is in condition for allowance. Favorable consideration is therefore respectfully solicited.

Please charge our Credit Card in the amount of \$ 245 covering the time extension fee set forth under 37 CFR 1.17(a)(2). If this reply is not considered timely filed and a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee due and authorization is not provided elsewhere for such fee, including an extension fee, please charge our Deposit Account No. 23/2825, under Docket No. L0735.70003US00 from which the undersigned is authorized to draw.

Dated: August 30, 2011

Respectfully submitted,

By\_\_/Yahua Chen/\_\_\_\_\_  
Yahua J. Chen, Ph.D.  
Registration No.: 55,055  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000